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असाधारण

EXTRAORDINARY

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PART II — Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYASABHA

The following Bills were introduced in the Rajya Sabha on 24th August, 2007:—

I

BILL No. XXI OF 2007

A Bill to provide for the protection of distressed citizens including farmers, fishermen, traders and common man affected by cyclone, super cyclone or tsunami or other natural calamity in the coastal areas of the country by providing adequate compensation, rehabilitation and welfare measures initiated by the State and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Citizens Affected by Cyclone, Super Cyclone or Tsunami in Coastal areas (Compensation, Rehabilitation and Welfare) Act, 2007.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "affected citizen" means any citizen who loses his life or receives physical injuries or whose property movable or immovable, livestock, fishing instruments including boat, crops, field, orchard, farm including poultry and animal rearing farm, machinery, tools, consumer goods, business establishments is either lost, washed away, damaged or adversely affected by cyclone, super cyclone or tsunami or such other natural calamity in any coastal area;

(b) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(c) "Commissioner" means the Commissioner appointed under section 6;

(d) "Fund" means the Coastal Areas Natural Calamity Assistance Fund established under section 3;

(e) "prescribed" means prescribed by rules made under this Act.

Establishment
of the Coastal
Areas Natural
Calamity
Assistance
Fund.

3. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish the Coastal Areas Natural Calamity Assistance Fund, for the purposes of this Act.

(2) The initial corpus of the fund established under sub-section (1) shall be five thousand crore rupees of which four thousand five hundred crore rupees shall be provided by the Central Government after due appropriation made by Parliament in this behalf and five hundred crore rupees shall be provided by the State Governments in proportion to their coastal areas relevant for the purposes of this Act.

(3) After the initial stage of the Fund moneys shall be provided to the fund by the Central Government, from time to time after due appropriation made by Parliament by law in this behalf, for carrying out the purposes of this Act.

(4) The Fund shall also comprise moneys received from the general public, body corporates and financial institutions, domestic as well as foreign, as donations, gifts, etc.

(5) The Fund shall be utilized for carrying out the purposes of this Act.

Compensation
to affected
citizens of
coastal areas.

4. (1) If any citizen in any coastal area loses his life due to cyclone or super cyclone or tsunami or natural disturbance in the sea, as the case may be, the Commissioner shall on an application made in the prescribed form by his surviving next of kin, pay compensation of not less than four lakh rupees to such kin within thirty days of making such application.

(2) Every citizen in any coastal area who is injured severely incapacitating him due to cyclone or super cyclone or tsunami shall be paid compensation as may be prescribed depending upon the nature of injury sustained by him and in addition to the compensation he shall also be entitled to free medical treatment from the Government for such period as may be prescribed.

(3) Every citizen covered under this Act who loses standing crops by cyclone, super cyclone as the case may be, shall be given adequate compensation in proportion to the losses of such citizen.

(4) Every citizen covered under this Act who loses his livestock due to cyclone, super cyclone, tsunami or natural disturbance in the sea, as the case may be, shall on an application made in the prescribed form, be paid adequate compensation for such losses in such manner as may be prescribed.

(5) The appropriate Government shall provide to every family whose dwelling unit has been damaged by cyclone, super cyclone, tsunami or natural disturbance in the sea, as the case may be, a dwelling unit preferably at the same place.

(6) If damage has been caused by cyclone, super cyclone, tsunami or natural disturbance in the sea, as the case may be, to cultivable or other land of any citizen covered

35144.9.9.

under this Act, the appropriate Government shall provide alternative land to such citizen within a reasonable distance from his residence in such manner as may be prescribed.

5. (1) Every citizen covered under this Act who is a traditional fisherman shall, in addition to the compensation provided in various provisions of this Act, also be given adequate financial assistance for purchase or repair of fishing net, boat and other necessary equipment for fishing by the appropriate Government in such manner as may be prescribed.

Special provision for traditional fishermen.

(2) Adequate compensation shall also be paid to the family of those traditional fishermen who are swept away by the water currents or disappear in a cyclone, super cyclone, tsunami or any natural disturbance in the sea, as the case may be, by the appropriate Government in such manner as the case may be.

6. The appropriate Government shall, as soon as may be, after the commencement of this Act, appoint a Commissioner with such other staff as may be necessary for the coastal areas within its territorial jurisdiction affected by the cyclone, super cyclone, tsunami or any other natural disturbance in the sea, as the case may be, for settling the claims of compensation of the affected citizens under this Act:

Commissioner to settle claims.

Provided that the compensation under this Act shall be disbursed by the Commissioner, as soon as may be, but not later than three months of the occurrence of the cyclone, super cyclone, tsunami or any other natural disturbance in the sea, as the case may be.

7. (1) The Central Government shall, as soon as may be, in consultation with the Governments of those States having coastal areas along with their territorial jurisdiction, by notification in the Official Gazette, prepare a long term Special Development Plan for the coastal areas of the country which are prone to and are frequently devastated by cyclone, super cyclone, tsunami and natural disturbances in the sea.

Miscellaneous provisions.

(2) without prejudice to the generality of the provisions contained in sub-section (1) the Special Development Plan may include,—

(a) provision for early warning system to be installed at conspicuous place throughout the coastal belt of the country and in particular in coastal areas of the State of Orissa;

(b) provision for construction of security wall in coastal belts which are more vulnerable to cyclone, super cyclone, tsunami and other natural disturbances in the sea;

(c) introduction of low cost and waves resisting housing techniques which can withstand the fury of cyclone, super cyclone, tsunami and other natural disturbances of the sea in the coastal areas;

(d) such other provisions as the Central Government may deem necessary for the development and protection of soil erosion, etc. in the coastal areas of the country.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such directions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of such difficulty.

Power to remove difficulties.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force, regulating any of the matters dealt with in this Act.

Act to supplement other laws.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Our country has a very long coastal belt spread in the eastern, western and southern parts which are prone to various types of natural calamities mostly generating from the sea. In the recent past, Orissa was devastated by super cyclone killing thousands of people and causing extensive damage to the buildings, houses, business establishments and dwelling units like *Katcha* huts, semi *pucca* or mud based hutments, standing crops, livestock, cultivable lands, roads, bridges and other movable properties. The state is yet to fully recover from such a large scale devastation. The coastal areas of Orissa also witness the fury of cyclones very frequently which is one of the causes of its backwardness. The coastal areas of Andaman and Nicobar Islands, Tamil Nadu, Puducherry and Andhra Pradesh recently witnessed the massive damages caused by tsunami sea storms during moonlit nights are very common in the coastal areas. The cyclone, super cyclone, tsunami and other disturbances in the sea not only cause extensive damages in the coastal areas, but also take away precious human lives and massive soil erosion also takes place. This has resulted in backwardness of the coastal areas.

Of course we cannot stop the cyclones, super cyclones, tsunami and other natural disturbances in the sea and their adverse effects on the coastal areas but with combined efforts we can certainly minimize the miseries of the affected citizens by providing them with timely compensation and extending rehabilitation measures to them. The Central Government has to play a key role in this regard and many a time delay is caused in securing relief due to procedural wrangels. It is felt that if a permanent Coastal Areas Natural Calamity Assistance Fund is created and administered, the delays and miseries can be minimized. Care has also been taken in this Bill to ensure automatic relief to the affected citizens of coastal areas. Need has also been felt for a long term development plan for the coastal areas.

Hence this Bill.

B. J. PANDA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Coastal Areas Natural Calamity Assistance Fund for which Central Government has to provide four thousand five hundred crore rupees initially and thereafter as per the need of the Fund. Clause 4 provides for various compensation components to affected citizens of coastal areas. Clause 5 provides for financial assistance to fishermen. Clause 7 provides for installation of early warning system, construction of coastal wall etc. The Bill, if enacted will involve expenditure from the Consolidated Fund of India. Apart from the initial four thousand five hundred crore rupees, it is not possible to quantify the amount likely to be involved but it is estimated that a sum of rupees ten thousand crore may involve as recurring expenditure per annum.

A sum of rupees fifteen thousand crore may also involve as non-recurring expenditure from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only. The delegation of legislative power is of normal character.

II

BILL NO. XXXII OF 2007

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2007.
- (2) It shall come into force at once.

Insertion of
new article
50A.

2. After article 50 of the Constitution, following article shall be inserted, namely:—

Balanced
Development
throughout
the territory
of India.

"50A. The State shall endeavour to achieve a balanced growth and development throughout the territory of India by enacting an appropriate law to provide that no development funds shall be allotted or spent in a village, tehsil, district, Assembly or Parliamentary Constituency, disproportionately at the cost of other areas."

3514-4.9.0.

STATEMENT OF OBJECTS AND REASONS

The Central Government, as also various State Governments, spend crores of rupees annually on various developmental schemes. However, there is no provision in the Constitution or in any other enactment for a fair and equitable distribution of public money in different revenue Districts, Parliamentary or Assembly Constituencies. As a result, many a time, Ministers in-charge of the respective Ministries are found to be allocating funds disproportionately in their respective constituencies and in a manner that hardly any funds remain for allocation in remaining areas. Representatives of the people, whether they are Members of Parliament or Members of State Legislatures have to suffer the ire of the public who remain ignorant about regional imbalance resorted to by persons. On account of some specific project coming up in any area, a large chunk of funds may be needed. But, a proper explanation should be given on the imbalance occurring on account of investments in such national or State level projects. It is therefore felt that there should be a statutory enactment or a provision in the Constitution of India which will ensure a fair amount of regional balance while allocating funds.

Hence this Bill.

SHANTARAM LAXMAN NAIK

III**BILL NO. XXXI OF 2007***A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2007.
- (2) It shall come into force at once.

Amendment
of the Seventh
Schedule.

2. In the Seventh Schedule to the Constitution,—

(i) in List I—Union List, after entry 61, the following entry shall be inserted, namely:—

"61A. Education, including technical education, medical education and universities"; and

(ii) in List III—Concurrent List, entry 25 shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Now a days, education is treated as an instrument of eradication of poverty. Despite the subject being in concurrent list, thousands of crores of rupees are earmarked every year for education under various central schemes. There is a National Education Policy which governs various educational activities in the country. NCERT plays a vital role in giving direction to the educational activities in the country by framing National Curriculum of Education. Therefore, in reality and practically also, the Union Government does not treat the subject as a joint responsibility of Central and State Governments but, on the contrary treats the subject as prime responsibility of the Central Government.

Further, moulding of young generation is done through the instrumentality of education. And, if that be so, then the young generation should be moulded in a uniform manner. Level of knowledge, information and capabilities have also, substantially to be the same.

The concept of Indianness can better be achieved if there is substantial uniformity in the education and the agency responsible for the spread of education is a centralized one committed to national objectives. The objective can be achieved by suitably amending the seventh schedule to the Constitution.

Hence this Bill.

SHANTARAM LAXMAN NAIK

IV

BILL NO. XXXV OF 2007

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title and
Commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2007.

(2) It shall come into force at once.

Amendment
of Tenth
Schedule.

2. In the Tenth Schedule to the Constitution of India, after sub-paragraph (a) of paragraph 2, the following proviso shall be inserted, namely:—

“Provided that if a member of a House makes derogatory or defamatory statement with respect to the political party to which he belongs and/or makes derogatory and defamatory statement with respect to the key office-bearers of the party, thereby undermining the prestige of the party in the eyes of the public or otherwise conducts in a manner indicating that he has severed his relationship with the party, such member shall be deemed to have voluntarily given up membership of his party.”

STATEMENT OF OBJECTS AND REASONS

The Tenth Schedule to the Constitution, which is popularly known as "anti-defection" law has been amended to ban defection of Members of Parliament and State Assemblies and Councils. Undoubtedly, menace of defection has been curbed to a great extent on account of the amendment. But, there are those who do not hesitate to betray the political parties on the pedestal of which they have built their careers. As the law stands today, if a member of a political party defies the directions given to the member in favour of the proposal of the party in respective Houses, no doubt, the member can be disqualified.

However, if the member openly associates with other political parties and/or citizens, the political party of which he/she is a member or makes defamatory allegation against its office bearers or other leaders, the political party cannot take any action except to expel such member from the party. In this case, the Member becomes an unattached member of the concerned House. He becomes a free bird, retaining his membership, all facilities attached to it with full freedom to criticise the political party of which he/she was a member until recently, openly, to utter embarrassment of the party.

It is, therefore, necessary that the Tenth Schedule should be further amended to disqualify all the members who openly associate with other political parties and/or openly criticise the party, its office bearers and other leaders with defamatory statements. Such actions on the part of a member of a political party amounts to voluntary giving up membership of that political party and should be treated as such.

It is, therefore, that the proposed amendment provides that if a member of a House makes derogatory or defamatory statement with respect to the political party which had sent the member as its candidates and/or makes derogatory and defamatory statement with respect to the key office-bearers of the party, thereby undermining the prestige of the party in the eyes of the members of the public or otherwise conduct in a manner indicating that he has severed his relationship with the party, such member shall be deemed to have voluntarily given up membership of his party.

Hence this Bill.

SHANTARAM LAXMAN NAIK

V

BILL NO. XLVII OF 2007

A Bill to provide employment or means and resources for self-employment to at least one adult member of every family and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of Republic of India as follows:—

Short title,
extent and
commencement

1. (1) This Act may be called the Employment Act, 2007.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definition.

2. In this Act, unless the context otherwise requires, family means and includes husband, wife and minor children.

Central
Government
to provide
employment.

3. (1) It shall be the duty of the Central Government to provide employment to at least one adult member of each family.

(2) The employment provided by the Central Government shall be according to the age, qualification and physical strength of the citizen concerned.

4. (1) The Central Government shall provide unemployment allowance to every unemployed citizen at the rate of rupees one thousand and five hundred per month till he gets employment.

Central Government to provide unemployment allowance, credit subsidy, etc.

(2) The Central Government shall provide credit subsidy and all other facilities or resources for self-employment to a family where it is not possible to provide employment to at least one member of the family.

5. The provisions of this Act shall not be applicable to any citizen who,—

Provisions not to apply to certain citizens.

(a) has an income through any source;

(b) is covered under any unemployment scheme prevalent in a State or Union Territory.

6. (1) The Central Government shall, by notification in the Official Gazette, establish a fund to be called Employment Fund for granting unemployment allowance under this Act.

Establishment of Employment Fund.

(2) The Government shall from time to time make such grants to the fund as may be required for the purpose of the Act.

(3) The fund may also consist of voluntary donations made by the citizens.

7. Every citizen who receives work or allowance under this Act shall contribute to the fund for the prescribed period immediately after securing any work or job whether provided by the Central Government under this Act or of his own at such rate as may be prescribed.

Citizens to contribute after securing job.

8. Every person who has been provided employment under section 3 shall not involve himself in any other activity for financial or other gains.

Persons not to involve in any activity other than his employment.

9. The Central Government shall also provide employment to the dependant of an employee who has been provided with employment under section 3 after his retirement from service.

Employment to the dependant.

10. As soon as may be, after the close of every financial year, the Central Government shall cause an annual report on working and administration of the employment fund and the implementation of this Act during that year to be prepared and laid before each House of the Parliament and every such report shall be in such form and shall contain such matters as may be prescribed.

Annual report.

11. The Central Government may by notification in the official Gazette make rules for carrying out the provisions of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

The Constitution guarantees every citizen the fundamental right to life. The Supreme Court has observed that the right to life, in order to be meaningful assumes the availability of necessary means to a decent livelihood. On the other hand the problem of unemployment has assumed menacing proportions. Even the educated citizens are rendered indigent. Lack of opportunity of employment in the country is also leading to brain drain and exodus of a large number of skilled and unskilled persons abroad. In India 26% of the population is still living below the poverty line. There are large number of families where there is not even a single earning member and most of them earn their livelihood by working as labourers, domestic servants, bonded labourers and child labour. The recently announced 100 days national guarantee scheme for food for work has also not been fully implemented. There are large section of people who have no means to feed themselves and their children. Their income is not sufficient to make their both ends meet. With the result, many families commit suicide due to hunger. Our country being a welfare state should take necessary steps to improve the life of people. Now the time has come to make concerted efforts by the Centre to assure guaranteed employment to at least one of the family members. The Bill makes a provision for paying a lump sum amount to a family till government is able to provide employment to one of the family members. It also suggests that people, who desire to do their own profession, should be provided facilities to develop their profession. It also suggests providing employment allowance to one of the members of the family to make the both ends meet. The Bill also provides for the establishment of the Employment Fund. The Fund will receive grants made by the government and voluntary donations.

The Bill seeks to achieve the above objectives.

Hence this Bill.

SUPRIYA SULE

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to provide an allowance to a citizen till he gets employment. It is very difficult to make an exact estimate of recurring expenditure that may be involved on this account. The provision of the Bill may be expected to involve recurring expenditure of about rupees 1,500 crore per annum from the Consolidated Fund of India and the recurring expenditure is expected to reduce substantially as employment situation improves and also voluntary donations, contributions from citizens are received to secure work. No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

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VI

BILL NO. XLI OF 2007

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

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|--|-------------------------------|
| 1. (1) This Act may be called the Constitution (Amendment) Act, 2007. | Short title and commencement. |
| (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint. | |
| 2. Article 127 of the Constitution shall be omitted. | Omission of article 127. |
| 3. Article 128 of the Constitution shall be omitted. | Omission of article 128. |
| 4. In article 217 of the Constitution, in clause (1), for the words “in the case of an additional or acting judge, as provided in article 224, and in any other case, until he attains the age of sixty-two years,” the words “until he attains the age of sixty-five years” shall be substituted. | Amendment of article 217. |
| 5. Article 224 of the Constitution shall be omitted. | Omission of article 224. |
| 6. Article 224A of the Constitution shall be omitted. | Omission of article 224A. |

STATEMENT OF OBJECTS AND REASONS

As a result of the working of the Constitution for over half a century, certain shortcomings and fallacies in relation to provisions relating to Supreme Court and High Courts have come to light and certain provisions appear to have become redundant and obsolete over the years.

The provision for the appointment of *ad hoc* judges and retired Judges as provided for in articles 127 and 128 appear to be unreasonable and unnecessary at this stage, as the original number of seven Judges of the Supreme Court in addition to the Chief Justice has been raised to 25 w.e.f. 1986 and may be further raised as and when required.

Similarly, some provisions relating to High Court Judges need amendments. Presently the age of retirement of High Court Judges is sixty two years as against sixty five for the Supreme Court Judges. At the time of the commencement of Constitution w.e.f. 26.01.1950, the age of retirement of High Court Judges was fixed at sixty years, when the age of retirement of civil servants other than those of the I.C.S was fifty five years. Now the age of retirement of the central civil employees has been raised to sixty years, whereas an increase of only two years has been made in the case of High Court Judges. It is accordingly reasonable and desirable that the age of retirement of High Court Judges be raised to sixty five years as in the case of Supreme Court Judges.

Appointment of additional, acting and retired Judges as laid down in articles 224 and 224A also need to be deleted as the status of additional and acting judges is inferior to that of regular Judges and in the opinion of eminent jurists is not just and right as they are at the mercy of the executive and the Chief Justices of the concerned High Courts to be made regular judges. The appointment of retired Judges is also contradictory in spirit. After the age of retirement of regular judges of High Courts is raised to sixty five years, there would hardly be any need for such appointments.

The Bill seeks to achieve the above objectives.

RAJEEV CHANDRASEKHAR

VII

BILL NO. XLV OF 2007

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:

1. (1) This Act may be called the Constitution (Amendment) Act, 2007. Short title and commencement.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In article 153 of the Constitution, the proviso shall be omitted. Amendment of article 153.
3. In article 156 of the Constitution,— Amendment of article 156.
 - (i) for clause (1) the following clause shall be substituted, namely—
“(1) The Governor shall hold office for a term of five years from the date on which he enters upon his office”.
 - (ii) for clause (3) and proviso the following clause shall be substituted, namely—
“(3) The Governor may be removed from his office in case of proven disability or delinquency in a manner to be laid down by Parliament by law”.
4. For article 157 of the Constitution, the following article shall be substituted, namely— Substitution of new article for article 157.
“157. No person shall be eligible for appointment as Governor unless he— Qualification for appointment as Governor.
 - (a) is a citizen of India.
 - (b) has completed the age of thirty-five years but has not completed the age of sixty-five years.
 - (c) is qualified for election as a member of the House of the People and the concerned State Government has approved his appointment:

Provided that no person shall be eligible for appointment as Governor for more than one term”.
5. In article 158 of the Constitution clause (3A) shall be omitted. Amendment of article 158.

STATEMENT OF OBJECTS AND REASONS

The Governor of States in the Indian Union is one of the most important constitutional authorities. He is head of the executive power of the State as the President is the head of the executive power of the Union. Whereas the President of the Union is elected though indirectly, the Governor of a State is appointed by the President and holds office at the pleasure of the President. The President of the Union is a constitutional head and acts on the advice of the council of ministers. In other words both in the matter of appointment and removal of Governors, it is only the government at the centre that acts.

Originally, the Constituent Assembly proposed to have elected Governors but replaced it by the method of appointment by the President so as to avoid clash between the elected Governor and the Chief Minister as in the system of parliamentary democracy, the real executive power is vested in the council of ministers headed by the Chief Minister.

The Constituent Assembly however did not lay down proper qualifications for appointment of Governors. Only two conditions have been laid down that the person should be an Indian citizen and should have attained the age of 35 years. Thus the appointment of governors is the sole prerogative of the Central Government at the appointed time. The result has been, *inter alia*, the appointment of those defeated in elections and retired and old politicians and former bureaucrats and retired defence and police personnel. There have also been cases where a particular person has been appointed governor time and again and posted as such in States where he could serve the purpose of the Central Government. There have also been cases of clash of Governor with the elected government in the State, which may not be consulted before the appointment of Governor to the State.

The Constitution also does not lay down the grounds on which a Governor may be removed by the President. Obviously it was felt that in cases of gross delinquency such as bribery, corruption, treason and the like, the Governor could be removed by the President as he held office during the President's pleasure without following lengthy and cumbersome procedure for removal of political officers like President, Vice-President, etc. through impeachment. But in real practice this provision has been misused on a number of occasions when the party in power at the Centre has changed after elections.

In short, the discretion vested in the Central Government both for the appointment of and removal from office of the Governors has been misused on a number of occasions. The concept that important Constitutional Authorities hold office at the pleasure of other authorities and not on merit is the very negation of democratic principles and amounts to arbitrariness. Such provisions should be suitably amended.

It is also not desirable that one person be made Governor of more than one State, which may, at any time, cause problems for the incumbent.

The Bill seeks to make appropriate changes in the Constitution.

RAJEEV CHANDRASEKHAR

20/10/2000

VIII

BILL NO. LI OF 2007

A Bill to provide for establishment of a permanent bench of the Supreme Court at Nagpur.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Supreme Court (Establishment of a Permanent Bench at Nagpur) Act, 2007.

Short title
and com-
mencement.

(2) It shall come into force on such date, as the Central Government may by notification in the Official Gazette, appoint.

2. There shall be established a permanent bench of the Supreme Court at Nagpur with such number of judges of Supreme Court as the Chief Justice may with the approval of President decide, to exercise jurisdiction in respect of cases arising in the states of Kerala, Tamil Nadu, Andhra Pradesh, Karnataka, Orissa, Madhya Pradesh, Chhattisgarh, Jharkhand, Goa and Maharashtra and the Union Territories of Puducherry, Dadra and Nagar Haveli, Lakshadweep and Andaman and Nicobar Islands and such other territory as may be notified by the Central Government with the approval of the Chief Justice:

Establishment
of a
Permanent
Bench of
Supreme Court
at Nagpur.

Provided that the number of judges at the bench at Nagpur shall not be less than nine.

STATEMENT OF OBJECTS AND REASONS

India is the seventh largest country in the world in terms of area. It is the second most populated country next to China. However, there is only one bench of the Supreme Court to decide cases arising in whole of the country. Article 130 of the Constitution says that the Supreme Court shall sit in Delhi or in such other place or places as the Chief Justice of India may with the approval of the President from time to time appoint. The language of the article clearly indicates that there was an intention of the founding fathers of the Constitution to have more than one seat of the Supreme Court. But so far no thought has been given to the idea of having another bench of the apex court despite the fact that the population of the country which was around 35 crore at the time of independence has now swollen to over 100 crore and there is proportionate increase in the cases in the Supreme Court. Litigant public has to travel thousands of kilometres to follow up their cases in the Supreme Court which is seated in Delhi. This not only adds to their financial burden but also results in wastage of a lot of time in travelling and staying in Delhi. The litigants in southern and central part of the country find it inconvenient and expensive. Therefore, it is high time that a bench of the Supreme Court be established for the convenience of the public at large for which Nagpur is the most appropriate place.

Geographically, Nagpur is the most ideal place for setting up the bench of the apex court as it is almost at the centre of the country. A bench of the Supreme Court at Nagpur will provide a big relief to the litigant public of southern as well as the central part of the country and will provide them convenient and affordable justice.

Hence this Bill.

VIJAY J. DARDA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be a permanent bench of the Supreme Court at Nagpur. The Bill, if enacted, will involve recurring expenditure from the Consolidated Fund of India to the tune of rupees two crore per annum.

However, a non-recurring expenditure to the tune of rupees fifty crore is also likely to be involved.

IX

BILL NO. LII OF 2007

A Bill to provide for the facilities of information technology and infotainment in all the villages of the country and matters connected therewith.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Information Technology and Infotainment Facilities in Villages Act, 2007.

Short title
and
commence-
ment.

(2) It shall come into force at once.

21 of 2000.

2. In this Act, unless the context otherwise requires, the words and expressions used but not defined in this Act and defined in the Information Technology Act, 2000 shall have the meanings respectively assigned to them in that Act.

Definitions.

3. The Central Government shall within a period of three years from the commencement of this Act, in phased manner, provide in every village of the country having a population of more than one thousand people, the following facilities, namely:—

Information
technology
and
infotainment
facilities for
villages.

(a) a computer with internet connection along with all accessories required to spread the benefits of information technology;

(b) software that may be helpful to the farmers, artisans, craftsmen and others in villages to obtain the benefits of information technology; and

(c) a television for community viewing along with provisions of infotainment facilities through paid services:

Provided that the selection of villages for the above facilities shall be done in such manner that the backward villages and districts in the country are covered first for the purpose.

Control of
computers
and
televitions.

4. The computer along with its other accessories and the television shall be placed under the control of the Head of the Village Panchayat:

Provided that where there is one panchayat for two or more villages, the computer and the television shall be under the control of such person as may be decided by the Panchayat.

Maintenance
of computers
and
television.

5. (1) The Central Government through the National Informatics Centres at district level shall be responsible for maintenance and upgradation of computer system and other accessories at every village in its jurisdiction and the television and other paid infotainment services shall be maintained by panchayats.

(2) The Central Government shall ensure that one qualified person is deputed in each village provided with computer to manage the system and help the villagers in making them aware about various schemes and programmes of the Central and the State Governments.

(3) The Central Government through its National Informatics Centres at State level shall prepare the data bank of information such as on weather, crops, seeds, various schemes for farmers, farming techniques, minimum support price for various agricultural produce, etc. that may be useful for the farmers in the state in such manner as may be prescribed.

Networking
of computers.

6. The Central Government shall ensure that all the districts in the country are connected through a network for spreading the benefits of information technology.

Central
Government
to provide
funds.

7. The Central Government shall, by due appropriation made in this behalf, provide adequate funds for carrying out the purposes of this Act.

Power to
make rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

1-10-74

STATEMENT OF OBJECTS AND REASONS

India lives in villages as still more than seventy per cent of the population live there. Sixty five per cent of the population is still engaged in agriculture or agricultural related vocations which contributes around 20% to GDP. But the condition in most of the villages is pathetic. Farmers are the worst sufferers as they are driven to the extent of committing suicides. According to the NSSO survey only 29% farmers in the country are aware of MSP scheme of the Government and other welfare schemes. Although a lot of development has taken place in the field of information technology but the villages are still deprived of this boom in the technology. Though our country is emerging as a super power in information technology but it is only concentrated in urban areas. The country can not progress without developing the villages. This is the time that information technology should play a major role in their development by spreading awareness in villages. For this all the villages should be connected through a network that will be supplying information pertaining to crops, weather, seeds, various schemes of Central and State Governments, techniques for effective farming including the research and development data on various fields. Such information to the farmers at the ground level would go a long way in improving their economic and social status.

Besides, the villages should also be provided with infotainment facilities so that they are aware of various mainstream development and social awareness campaign for good and healthy living. The social messages through electronic media must reach the doorstep of every village.

Hence this Bill.

VIJAY J. DARDA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall provide computer with accessories and television in every village in the country in phased manner. Clause 5 provides for maintenance of computer and providing a qualified person to manage the system. Clause 7 provides that the Central Government shall provide funds for implementation the various provisions of the Bill. The Bill, therefore if enacted, will involve a recurring expenditure of rupees ten crores per annum.

However, non-recurring expenditure to the tune of rupees five hundred crores will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to details only, the delegation of legislative powers is of normal character.

X

BILL No. LIII OF 2007

A Bill to provide for the protection and welfare of divorced women in the country by establishing an authority for such divorced women and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Divorced Women (Protection and Welfare) Act, 2007.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "Authority" means the Divorced Women Welfare Authority established under section 3;

(c) "divorced women" means a woman who has been divorced by her husband after legal marriage either by virtue of personal law or otherwise;

(d) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, by notification in the Official Gazette, establish an authority to be known as the National Divorced Women Welfare Authority for the purposes of performing functions assigned under this Act.

Establishment
of the
National
Divorced
Women
Welfare
Authority.

(2) The Head Office of the Authority shall be situated at such place as may be decided by the Central Government and the Authority may establish its branches in the States and Union Territories in such manner as may be prescribed.

(3) The Authority shall consist of,—

(a) a chairperson *ex-officio* who shall be the Minister in charge of the Union Ministry of Women and Child Development;

(b) a vice-chairperson preferably a divorced woman to be appointed by the Central Government;

(c) Three members of Parliament of whom two shall be from Lok Sabha and one from the Rajya Sabha to be nominated by the respective presiding officers of each House;

(d) two members representing the Union Ministry of Law and Justice and the Ministry of Social Justice and Empowerment to be appointed by the Central Government;

(e) not more than four members to be appointed by the Central Government in consultation with the Governments of States, by rotation in alphabetical order, to represent the Governments of the States; and

(f) three members to be appointed by the Central Government from amongst the Non-Government Organizations working for the welfare of divorced women.

4. The Authority shall have a Secretariat with such number of officers and employees and with such terms and conditions of service, as may be prescribed.

Officers and
employees of
the Authority.
Welfare Fund.

5. The Authority shall have a Welfare Fund to be known as the Divorced Women Welfare Fund to which shall be credited all receipts from the Central Government, State Governments, other institutions, organizations, body corporate of public or private sector, and individual for the welfare and maintenance of the needy and destitute divorced women.

6. (1) The Authority shall promote and provide, by such measures as it thinks fit, for the protection, maintenance and welfare of neglected and destitute divorced women with or without dependent children.

Functions of
the Authority.

(2) Without prejudice to the generality of the provisions of sub-section (1) the Authority shall,—

(a) maintain district-wise register of divorced women with such particulars and in such manner as may be prescribed;

(b) collect and get verified the antecedents of every divorced woman covered under this Act to assess her need for assistance in such manner as may be prescribed;

(c) perform such other functions as may be assigned to it from time to time.

Facilities to be provided to the divorced women.

7. The Authority shall provide to the needy and destitute divorced women, on an application prescribed for the purpose, the following facilities, namely:—

- (a) subsistence allowance of rupees three thousand per month in case the divorced woman is infirm and destitute or is having one or more dependent children or rupees one thousand five hundred per month in case she has no dependent child;
- (b) residential or hostel accommodation free of cost wherever necessary;
- (c) free education including technical education to the dependent children of the divorced women;
- (d) gainful employment;
- (e) vocational training wherever required;
- (f) credit facilities to enable the divorced women to start her own vocation;
- (g) such other facilities as may be necessary and as may be prescribed:

Provided that if a divorced women covered under this Act gets gainful employment or remarries, the facilities provided to her under this Act shall stand withdrawn from the date such woman gets employment or remarries, as the case may be:

Provided further that a divorced woman residing with her in-laws or parents or any other family member due to other circumstances shall not be denied the facilities under the Act on this ground.

Central Government to provide requisite funds.

8. The Central Government shall, after due appropriation made by Parliament in this behalf by law, provide adequate funds for carrying out the purposes of this Act.

Annual Report.

9. The Authority shall prepare once in every calendar year, in such form and at such time as may be prescribed an annual report giving details of its activities during the previous year which shall be laid by the Central Government before each House of Parliament.

Act to have overriding effect.

10. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the divorced women.

Power to make rules.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Divorced women are a neglected lot in our country. In the married life of a woman, everything goes well but as soon as she is divorced all hell breaks on her. In rural and remote places women are still dependent on men for many things. She does all kind of daily chores in fields and at home but it is her husband who is the real owner of the movable and immovable properties. Once divorced she has nothing of her own and she is just thrown out of the house mercilessly. People at times do show sympathy towards her more often than not this hand of help is just to exploit her. People look at her with low esteem as if she has committed a crime and she has to move from one place to another for work and financial help. Even her parental house does sustain her for long and after sometime she starts feeling as if she is a burden on them. Most of these women are either not educated enough to file a suit for maintenance under CrPC or are too shy to do that.

It becomes very difficult for her to survive in the society. There are lakhs of divorced women who are destitute with no shield or protection from the State.

In a welfare State like ours it becomes the duty of State to look after divorced women and support them at the time of distress. The State must support them financially and give them vocational training besides providing them accommodation, etc. The Bill seeks to achieve the above objectives.

VIJAY J. DARDA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the National Divorced Women Welfare Authority. Clause 5 provides for the Welfare Fund. Clause 7 provides for facilities to Divorced Women and their children. Clause 8 provides that Central Government shall provide adequate funds for carrying out the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore may involve as recurring expenditure per annum.

A non-recurring expenditure of rupees two hundred crore may also involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is therefore of normal character.

XI

BILL NO. LV OF 2007

A Bill to provide for the rehabilitation, reservation of jobs and other welfare measures for the blind and other physically handicapped persons in the country and for matter connected therewith.

Short title,
extent and
commence-
ment.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Blind and other Physically Handicapped Persons (Rehabilitation, Employment and Welfare) Act, 2007.

(2) It extends to the whole of India.

Definitions.

(3) It shall come into force with immediate effect.

2. In this Act unless the context otherwise requires,—

(a) “appropriate Government” means,—

(i) the Central Government,

(1) in relation to any establishment owned, controlled or managed by the Central Government or a department of the Central Government; or

(2) any company in which not less than fifty per cent of the shares are held by the Central Government or partly by the Central Government and partly by one or more State Governments; or

(3) any corporation including a co-operative society established by or under a Central Act or owned, controlled or managed by the Central Government.

(ii) in relation to any other establishment the Government of the State in which that establishment is situated;

(b) "blind person" means any person who has total absence of sight or vision;

(c) "disabled or physically handicapped person" means any person having physical, mental or any other disability leading to a substantial handicap to his normal daily activities and to employment and hindering his normal life;

(d) "employer" means any person who employs fifty or more persons to do any work in an establishment for remuneration;

(e) "establishment" means any office or any place where any industry, trade, business or occupation is carried;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "registering authority" means the authority appointed under section 5 of this Act.

3. (1) The Central Government shall, by notification in the Official Gazette, establish a National Council for the Blind and Handicapped Persons (hereinafter referred to as the National Council).

Establishment
of National
Council for
the Blind and
Handicapped.

(2) The National Council shall consist of the following members, namely:—

(i) the Union Ministers of Health and Family Welfare, Labour, Welfare, Finance and Deputy Chairman of the Planning Commission;

(ii) a representative of the Central Social Welfare Board;

(iii) a representative from each of the State Governments and Union territories;

(iv) two representatives of the blind and handicapped persons;

(v) two representatives representing the associations or voluntary organisations engaged in the welfare of blind and other handicapped persons;

(vi) four Members of Parliament, two from each House to be nominated by the Speaker of the House of the People and Chairman of the Council of States.

(3) The Union Minister of Welfare shall be the Chairman of the National Council.

(4) It shall be the duty of the National Council to—

(a) evolve a national policy for the rehabilitation of blind and other handicapped persons;

(b) start new programme, services and pilot projects for the rehabilitation of handicapped and blind persons;

(c) review and suggest amendments to the existing laws or suggest new legislation for the welfare of blind and other handicapped persons;

(d) review the facilities available to the blind and other handicapped persons from time to time.

(5) The national Council shall meet at least once in every six months.

14. Every blind and handicapped person shall have the right and be eligible to receive free of cost medical, surgical and other kinds of treatment, aids, appliances and equipment which may be helpful in reducing the adverse effects of disablement and restore the functional abilities of the blind and handicapped persons.

c.h.b. m.c.

15. For the welfare of the blind and other handicapped persons, the appropriate Government shall—

- (a) reserve five per cent, of all housing units constructed by it;**
- (b) provide training and other facilities to enable them to participate in sports, social and cultural activities;**
- (c) provide training for gainful employment in the institutions to be set up for the purpose;**
- (d) provide free passage for travel by road, inland navigation or by air;**
- (e) provide all aids, appliances, equipment and other articles used in the treatment, training, employment or in their economic resettlement;**
- (f) provide interest free loans and other financial assistance for self employment;**
- (g) undertake measures for the prevention of blindness and disability as may be found necessary.**

Welfare measures for the blind and handicapped persons.

16. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

The worst disability that a human being can suffer from is blindness. Darkness becomes the fate of such a person. There are millions of blind persons in the country suffering from this worst disability. Though many of them are talented they are unable to secure suitable employment. As such, they are financially hard pressed. They have no independent or adequate means of livelihood and spend their lives in agony and distress. The same is the fate of other physically and mentally handicapped persons in the country who number in crores.

The nation has a responsibility to look after the blind and other disabled persons so as to make them realise their full potential. There is a need for a national body to evolve a national policy for the care and rehabilitation of the blind and disabled persons and to coordinate the activities of the different agencies functioning in this field. It is also necessary that adequate job opportunities are provided to the blind and other disabled persons through various schemes, including reservation of jobs in Government organisations and public as well as Private Sector Organisations.

For this, they should be given adequate training in various fields and vocations. They should also be given proper treatment in hospitals, and should also be provided with necessary equipment and para-medical support to improve their general well being.

This Bill seeks to achieve the above objects.

S. S. AHLUWALIA.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a National Council for the blind and handicapped persons. Clause 5 provides for the appointment of Registration Authorities. Clause 10 provides for financial assistance to blind and other handicapped persons in case of unemployment. Clause 14 provides for some facilities to the blind and disabled persons and clause 15 provides for other welfare measures for them. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five hundred crores is likely to be involved from the Consolidated Fund of India.

A non recurring expenditure of about rupees ten crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. As such the delegation of legislative power is of a normal character.

XII**BILL No. LIV OF 2007**

A BILL to provide complete freedom to a child for enjoying his childhood through banning admission of a child below five years of age for regular schooling which causes depression and other ailments, for reducing workload of children who are above five years of age but below the age of fifteen years, for attending school for education by prohibiting assignment of home task to such children to enable them to play and enjoy and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth year of the Republic of India as follows:—

1. (1) This Act may be called the Freedom of Childhood Act, 2007.
- (2) It extends to the whole of India.
- (3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State the Government of that State and in all other cases the Central Government;

(b) “child” means a boy or girl who is below the age of fifteen years; .

Short title,
extent and
commence-
ment.

Definitions.

(c) "educational institution" includes any school whether nursery, KG, primary, middle, secondary or senior secondary level, imparting education to child by whatever name such institution is called;

(d) "parent" in relation to any child includes a guardian and every person who has the actual custody of the child;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "toddler" means a boy or girl who is below the age of six years.

Prohibition of regular schooling for a toddler.

3. No educational institution shall admit a toddler for regular schooling such as reading, writing or cramming.

Home task not to be given to a child.

4. No child who is attending an educational institution for studies shall be given any home task by such institution so as to enable the child to play and enjoy his childhood after school hours.

Parents to allow the child to play for reasonable period of time.

5. It shall be the duty of every parent of a child to allow him/her to play and enjoy for a reasonable period of time during the day.

Prohibition of employment of children. Periodic medical examination of the child.

6. No person shall employ a child as domestic servant or in any establishment in any manner whatsoever which may deny him the enjoyment of the childhood.

7. The appropriate Government shall conduct a periodic medical examination of every child studying in any educational institution, falling under the jurisdiction of that Government from time to time and take such remedial measures as are recommended by the medical authorities.

Survey to be conducted in respect of children.

8. The appropriate Government shall conduct a survey from time to time in respect of the freedom available to children and prepare a report thereon and shall cause such report to be laid before the respective Legislatures.

Admission to be through draw of lots.

9. Notwithstanding anything contained in any other law for the time being in force all the admissions in a school at the entry stage of formal education shall be on the basis of draw of lots to be held in the presence of parents.

Penalties.

10. (1) Whoever contravenes the provisions of sections 3 or 4 shall be punishable with imprisonment for a term which may extend to six months or with a fine which may extend to five thousand rupees or with both.

(2) Whoever contravenes the provisions of section 6 shall be punishable with imprisonment for a term which may extend to seven years or with a fine which may extend to fifteen thousand rupees or with both.

Power to make rules.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

35194.93.

STATEMENT OF OBJECTS AND REASONS

Recently, it was widely reported in the national print media that the medical community is deeply concerned about the trauma of the pre-school children, particularly in the age group of 3 to 6 years. It was stated that there was an increase in the incidence of recurring respiratory infections, fever, pains and temper tantrums among the pre-schoolers which could be related directly or indirectly to early schooling. It is a well known fact that now-a-days children are being sent to school at the tender age of two years in schools known as Nursery, KG, etc. These schools publish big advertisements in prominent newspapers for registration of children and charge heavy registration fee. In some cases registrations can be made few days after the birth of the child. Thereafter, the present system of admission causes a lot of tension and trauma in children if they face rejection at the entry stage and instils a sense of loss in their minds.

It is a sorry state of affairs that toddlers who should play and enjoy their childhood are forced to attend regular schools at a very tender age. Instead of enjoying their childhood by playing and running after the butterflies, making mischiefs, they are forced to read, write and cram and do the home task assigned to them by their teachers. Children have forgotten to play and enjoy. This sorry state of affairs is causing havoc to children. According to some paediatricians the introduction of early formal education can lead to adverse consequences not only in terms of intelligence but also in motivational and socio-economic development. They have observed that there is an increasing incidence of stress-related medical problems in children due to hazards of early formal schooling. Moreover, at tender age the children's muscles are still in the process of development at their muscles co-ordination particularly of wrist and fingers need strength. As a result children do not even have the capacity to hold and use a pencil in a well-co-ordinated way.

In these circumstances, it is necessary that admission to schools for children below six years of age should be stopped and children below the age of fifteen years should not be given home task. They should get reasonable time to play and enjoy childhood. All admissions at the entry point of school should be on the basis of draw of lots drawn before the parents. No child should be employed by any person and medical examination should be conducted for children from time to time. They must get time and opportunity to enjoy the childhood without worries.

Hence this Bill.

S.S. AHLUWALIA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

XIII**BILL NO. LVI OF 2007**

A Bill to provide for the uninterrupted power supply to the Industrial Units operating in the industrially backward States of the country by the Central Government to ensure the overall industrial development of such States and for matters connected therewith.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Maintenance of Uninterrupted Power Supply to Industries of Backward States Act, 2007.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires;

(a) "appropriate Government" means in the case of backward State the Government of that State and in all other cases the Central Government;

(b) "backward State" means a State which does not have the requisite industries according to the size of the State and its population;

14 of 1947.

(c) "industry" means an Industry as defined in the Industrial Disputes Act, 1947;

(d) "prescribed" means prescribed by rules made under this Act;

9 of 1910.
54 of 1948.

(e) Words and expressions used but not defined in this Act and defined in the Indian Electricity Act, 1910 and the Electricity (Supply) Act, 1948, shall have the meaning respectively assigned to them in those Acts.

3. (1) The Central Government shall maintain uninterrupted power supply to the Industrial units operating within the territorial jurisdiction of a backward State in such manner as may be prescribed.

Central Gov-
ernment to
maintain un-
interrupted
power supply
to Industries.

(2) For the purpose of sub-section (1) the Central Government may, if it deems necessary so to do invite and promote private sector in establishing power generating units exclusively for the industrial sector in the backward States.

4. The appropriate Government shall establish such number of new electricity generating stations as it may deem necessary, from time to time, exclusively for providing uninterrupted power to the industrial units operating within its territorial jurisdiction.

Appropriate
Government
to establish
new generat-
ing stations
exclusively
for the
Industries.

5. The Central Government shall, from time to time carry out investigations and collect and record the data concerning the generation, distribution and utilisation of power throughout the country meant for the industrial sector and submit an annual report, in such form and in such manner as may be prescribed, to the President of India who shall cause the report to be laid before both the Houses of Parliament, as soon as may be, after it is received by him.

Central Gov-
ernment to
carry out in-
vestigation
and collect
data about the
power
availability to
Industries in
the Country.

6. The Central Government shall provide, from time to time, after due appropriation made by Parliament by law, adequate funds for the purposes of this Act.

Central Gov-
ernment to
provide funds.

7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Savings.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

Industries are the backbone of every economy and the development of a country depends upon the development of its industries. A strong economy requires good industrial base. A developing country like ours needs a very solid industrial base in the modern globalisation period to face the stiff competition in the world market. Apart from the national level, industries are very vital at the State level also in a federal polity like ours to have a balance at the State and National level. But at present in our country some States are industrially backward. Take for instance the States of Bihar and Jharkhand which are having 40 per cent of the country's wealth but are industrially the most backward States of the Union. Such backward States need rapid industrialisation but for a good industrial base, one requires infrastructure like electricity, raw material, latest technology, trained technicians, cheap labour, etc. apart from all round dedication for growth. But in our country, unfortunately, the basic requirement like power is not available in abundance which is hampering industrial growth. The situation is more alarming in industrially backward States like Bihar, Jharkhand and North-Eastern States. Apart from poor performance and less utilisation of installed capacity by State Electricity Boards whatever energy is generated, major share of it is consumed by domestic and agriculture sectors. The Industrial Sector is always left to fend for itself. So in the absence of uninterrupted electricity supply, a number of industrial units have to close down in the recent past. For example hundreds of Electric Arc furnaces which require uninterrupted electricity supply have been closed down in various parts of the country. It has left thousands of workers jobless and affected the production targets. Similar was the fate of other industries also.

We have to give top-most priority to electricity generation for the survival and development of our industries particularly in the industrially backward State like Bihar, etc. Hence it is proposed that it should be made obligatory for the Central Government to maintain uninterrupted power supply to the Industrial units of the country in general and of backward States in particular. For this purpose the Government may involve the private sector and also establish power stations exclusively for the Industrial Sector in such States. The Central Government should make adequate funds available for this purpose.

Hence this Bill.

S. S. AHLUWALIA

S. S. AHLUWALIA

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides that the Central Government will provide adequate funds for the purposes of this Bill which includes establishment of new power houses exclusively for industries. The Bill, if enacted and brought into operation will involve expenditure from the Consolidate Fund of India. It is estimates that a sum of rupees two thousand crores will be involved as recurring expenditure per annum.

A sum of rupees one thousand crores is also likely to be involved as non-recurring expenditure for establishment of new power houses and other infrastructure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

YOGENDRA NARAIN,
Secretary-General.